

# SENATE JOURNAL

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## IDAHO LEGISLATURE

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SIXTY-FIRST LEGISLATURE

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**TWENTY-NINTH LEGISLATIVE DAY**  
**MONDAY, FEBRUARY 6, 2012**

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Hammond and Siddoway, absent and formally excused by the Chair.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Alexander Wright, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 6, 2012

The JUDICIARY AND RULES Committee reports that [S 1284](#), [S 1285](#), and [S 1286](#) have been correctly printed.

DARRINGTON, Chairman

[S 1284](#) was referred to the Transportation Committee.

[S 1285](#) and [S 1286](#) were referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

February 3, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffery Sayer of Idaho Falls, Idaho, was appointed Director of the Department of

Commerce to serve a term commencing October 3, 2011, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

February 3, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 356](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 356](#) and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced that [SCR 113](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Corder, seconded by Senator Johnson, [SCR 113](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that the Transportation Committee reports relative to the Gubernatorial appointments of Colleen Marie Back were before the Senate for final consideration, the question being, "Shall the reports be adopted?"

On motion by Senator Bilyeu, seconded by Senator Tippets, the Gubernatorial appointments of Colleen Marie Back as a member of the Aeronautics Advisory Board were confirmed by voice vote.

The President declared the reports adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointments confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1287**

### BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO CITY IRRIGATION SYSTEMS; AMENDING SECTION 50-1801, IDAHO CODE, TO AUTHORIZE CITIES TO ESTABLISH OR EXTEND A CITY IRRIGATION SYSTEM IN THE WHOLE OR PART OF AN AREA OF CITY IMPACT PROVIDED AN ORDINANCE HAS BEEN ADOPTED TO PROVIDE FOR THE ESTABLISHMENT OR

EXTENSION OF A CITY IRRIGATION SYSTEM INTO THE CITY IMPACT AREA AND TO MAKE TECHNICAL CORRECTIONS.

**S 1288**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO FLOOD PROTECTION; AMENDING SECTION 46-1021, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-1022, IDAHO CODE, TO PROVIDE THAT FLOODPLAIN ZONING ORDINANCES SHALL NOT REGULATE CERTAIN CHANGES TO IMPROVED OR UNIMPROVED REAL ESTATE WITHIN THE RIGHT-OF-WAY FOR ANY DITCH, LATERAL, DRAIN, DIVERSION STRUCTURE, PIPELINE, HYDROPOWER FACILITY OR OTHER IRRIGATION OR DRAINAGE WORKS THAT ARE PERFORMED OR AUTHORIZED BY THE OWNER FOR WATER DELIVERY, DRAINAGE OR HYDROPOWER PURPOSES; AND DECLARING AN EMERGENCY.

**S 1289**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-1106, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPEAL PROCEDURES; AND AMENDING SECTION 43-1118, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPEAL PROCEDURES.

**S 1290**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO DRAINAGE DISTRICTS; AMENDING SECTION 42-2914, IDAHO CODE, TO PROVIDE FOR REAPPORTIONMENT OF CERTAIN BENEFITS, TO PROVIDE FOR PETITIONS, TO PROVIDE FOR ORDERS RELATING TO HEARINGS, TO PROVIDE FOR PUBLICATION OF ORDERS, TO PROVIDE FOR OBJECTIONS AND TO PROVIDE FOR ORDERS RELATING TO REAPPORTIONMENT; AMENDING SECTION 42-2961, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPORTIONMENT OF ESTIMATES OF THE COST OF MAINTENANCE OF DRAINAGE DISTRICTS' DRAINAGE SYSTEMS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 42-2962, IDAHO CODE, TO PROVIDE A CODE REFERENCE RELATING TO THE APPORTIONMENT OF CERTAIN ASSESSMENTS AND TO MAKE A TECHNICAL CORRECTION.

[S 1287](#), [S 1288](#), [S 1289](#), and [S 1290](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[S 1270](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

[S 1253](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Siddoway. Total - 2.

Total - 35.

Whereupon the President declared [S 1253](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1269](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called President Pro Tempore Hill to the Chair.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Siddoway. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1269](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 364](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Siddoway. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 364](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11 a.m., Tuesday, February 7, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary